

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JASON EIDAM,

Plaintiff,

v.

BRYAN COLLIER, et al.,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:23-cv-94-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jason Eidam, a former Henderson County Jail inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. Before the Court is Plaintiff's motion for a temporary restraining order. Docket No. 5.

On August 1, 2023, Judge Mitchell issued a Report recommending that the Court deny Plaintiff's motion. Docket No. 22. A copy of this Report was sent to Plaintiff at his last known address—the Henderson County Jail—but was returned as undeliverable. Docket No. 23. Henderson County Jail records show that Plaintiff was released on May 22, 2023. Plaintiff has not provided an updated address and has not otherwise communicated with the Court since May 2023.<sup>1</sup> Accordingly, no objections to the Report have been filed.

---

<sup>1</sup> The Court has no duty to locate litigants, especially where a litigant has been advised of his

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 22) as the findings of this Court. It is therefore **ORDERED** that Plaintiff’s motion for a temporary restraining order (Docket No. 5) is **DENIED**.

---

responsibility to update address information, as here. *Anderson v. Munger*, 2019 WL 2929056 (E.D. Tex. July 8, 2019); *see also* Docket No. 1 at 10.

So **ORDERED** and **SIGNED** this **8th** day of **September, 2023**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE